

REMARKS

Claims 1, 119-122, 124-125, 127-129, 131-143 are pending in the application. Support for “solid” in claim 1 can be found at page 5 in the specification. Support for “fluorescent signal” in claim 125 and newly added claim 141 can be found at page 5 in the specification. Support for “polynucleotide hybridization” in newly added claims 136 and 142 can be found at page 34 in the specification. Support for “polynucleotide sequencing” in the newly added claims 137 and 143 can be found at page 35 in the specification. Support for the newly added claims 135-143 can be found in the claims of the present application as originally submitted. Therefore, no new matter has been added to the application.

Rejection Under 35 U.S.C. §102(b) Over Chee ‘431 (USP 6,355,431)

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Chee ‘431. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Chee ‘431 discloses a method for detecting and quantifying a target nucleic acid using a variety of both signal amplification and target amplification techniques (Abstract). However, Chee ‘431 fails to disclose or suggest using a common surface, which is a solid substrate, as in the presently claimed invention. Therefore, Chee ‘431 fails to anticipate the presently claimed invention.

Allowable Subject Matter

Applicant acknowledges the Examiner’s finding that Claims 119-122, 124-125, 128 and 133 are in allowable condition.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

Serial No. 10/756,802

**Patent
M1015.70070US01**

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR § 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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